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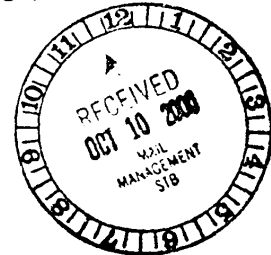
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October 3, 2000

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

Dear Secretary Williams:

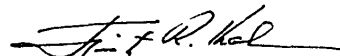
This refers to STB Ex Parte No. 582 (Sub-No. 1), Major Rail Consolidation Procedures, and the Notice of Proposed Rulemaking, served October 3, 2000.

While the Notice of Proposed Rulemaking provides for the filing of Comments, Replies and Rebuttals, participation appears to be limited to those persons who participated in the advance notice of proposed rulemaking proceeding. Certainly, the Notice of Proposed Rulemaking makes no provision for the preparation of a service list so that persons wishing to see the Comments relating to the proposed rules and perhaps offer Replies would be able to do so.

I respectfully submit that this omission constitutes a failure to permit interested persons an opportunity to participate in the rule making proceeding, within the meaning of 5 U.S.C. 553(c). Certainly, I have clients whom I discouraged from participating in the advance notice of proposed rulemaking proceeding because I thought it to be too unstructured whom I now am encouraging to offer comments on the proposed rules. I should welcome the Board's providing for them to do so.

Ten copies of this letter are enclosed to permit your circulation of it. An additional copy is enclosed for you to stamp to acknowledge your receipt of it and to return to me in the enclosure stamped and self-addressed envelope.

Sincerely yours,


Fritz R. Kahn